

**Board of Respiratory Care
Minutes**

Date: August 22, 2006

Time: 9:00 a.m., C.S.T.

Location: Millennium Maxwell House
2025 Metro Center Blvd.
Nashville, TN 37228

Members Present: Billy Alred, Chair
Shirley Brackett
James Hunter, II
Darryl Jordan M.D.
Delmar Mack, Ed.D.
Candace Partee
Colleen Schabacker
Robbie Bell, Ex Officio

Members Absent: Timothy McGill

Staff Present: Marva Swann, Unit Director
Tomica Walker, Board Administrator
Ernie Sykes, Advisory Attorney
Jerry Kosten, Regulations Manager
Gerry Crownover, Assistant General Counsel
Lea Phelps, Disciplinary Coordinator

Guests Present: Mike Harkreader, Tennessee Professional Assistance Program (TNPAP)

A quorum being present, Mr. Alred, Chair, called the meeting to order at 9:00 a.m.

Office of General Counsel

Mr. Sykes informed the Board of their responsibilities under the Conflict of Interest Policy. Board members were asked to sign exhibit 4 of the policy in acknowledgement of their understanding of its content.

Mr. Sykes presented to the Board the Office of General Counsel Report as follows:

Rules:

Under review by the Attorney General:

- Tenn. Comp. R. & Regs. 1330-1- .22- regarding ABG revisions

- Tenn. Comp R. & Regs. 1300-1-.05- regarding criminal background checks for initial applicants for licensure
- Tenn. Comp R. & Regs. 1330-1-.02,.03,.19,.20-(05-1386) regarding title, screening panels, equipment delivery, and advertising.
- Tenn. Comp R. & Regs. 1330-1-.19, .22 regarding stays and reconsiderations, delete ABG course requirement

Litigation:

The Office of General Counsel, Tennessee Department of Health, currently has nine (9) open cases pertaining to the Tennessee Board of Respiratory Care.

Agreed Order/Consent Order or Contested Case Hearings:

The State was represented by Gerry Crownover. Judge Rob Wilson presided.

Richard Padgett - case continued.

Billy W. Andrews, CRT—Mr. Andrews’s case was presented to the Board as a contested case. Mr. Andrews was not present nor represented by legal counsel. Witnesses for the State were Tomica Walker, Board Administrator; Charles Watson, Investigator for Health Related Boards; and Mike Harkreader, TNPAP Executive Director.

The State presented these Findings of Fact:

Mr. Andrews was employed by Erlanger Medical Center in Chattanooga, Tennessee from May 1999 until his resignation on November 12, 2004. While employed at Erlanger Medical Center, Mr. Andrews admits to taking controlled medications (Hydrocodone, morphine tablets, and others) from the personal belongings of emergency room patients. Mr. Andrews signed a Tennessee Professional Assistance Program (TNPAP) five-year Monitoring Agreement on October 13, 2004, due to his admitted addictions to narcotic drugs and cocaine. On January 19, 2005, Mr. Andrews advised his TNPAP case manager that he could not work as a Respiratory Therapist any longer due to the high-risk environment of being around drugs. Advocacy by TNPAP was discontinued on January 21, 2005.

The State made these Conclusions of Law:

Mr. Andrews was found to be in violation of T.C.C. 63-27-112(a)(2,3,5) Immoral, unethical, unprofessional or dishonorable conduct; (3) Habitual intoxication or personal misuse of narcotics, controlled substances or any other drugs or the use of alcoholic beverages or stimulants in such manner as to adversely affect the person’s ability to practice respiratory care; (5) Violation or attempted violation, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any lawful order of the board or any criminal statute of this state.

As a result, the State recommends Mr. Andrews be imposed two thousand dollars (2,000) in civil penalties and his license to practice respiratory care in the state of Tennessee pursuant to the authority vested in the Board under T.C.A. 63-27-112 be revoked.

A motion was made by Dr. Mack and seconded by Ms. Schabacker to accept the order as presented. The motion carried.

Approval of Minutes

A motion was made by Ms. Partee and seconded by Ms. Schabacker to approve the minutes of the May 23, 2006 Board meeting as amended. The motion carried.

Applicant Interviews/File Reviews

Katrina Baker—Ms. Baker appeared before the Board seeking licensure as a Certified Respiratory Therapist through reciprocity. Her license issued by the Kentucky Board of respiratory Care was disciplined by an Agreed Order of that Board dated April 22, 2006. The Kentucky discipline arose from a drug screen for which she tested positive. Her Kentucky license was placed on probation for a period of five years. The Agreed Order stipulated that she enter into a monitoring agreement with Kentucky Professional Recovery Network (KYPRN), have her case monitored by the Director of KYPRN at her own expense, release to the Kentucky Board the original results of not more than twelve random monitored drug screens, and attend at least three Narcotic Anonymous (NA) or Alcoholics Anonymous (AA) meetings each week during her probation.

Pursuant to Tenn. Code Ann 63-27-112(a) and Tenn. Comp. R. & Regs. 113-1-.15, which permits the Board to discipline a licensure applicant for violation of the Board's practice act and rules the Board took the following action:

The Board granted Ms Baker a Tennessee license as a Certified Respiratory Therapist with the condition that she abide by the terms of the discipline assessed against her Kentucky license by the Kentucky Board pursuant to the Agreed Order she signed on April 22, 2006. Failure to comply with any of the requirements set forth in the referenced Agreed Order will result in disciplinary action against her Tennessee license which like her Kentucky license is on a probationary status. Per the Agreed Order, her failure to abide by any conditions during her probationary period will result in the voluntary surrender of her Tennessee license.

She further has the responsibility to ensure that all reports and/or documentation required by the terms of the Kentucky Agreed Order also be submitted to the Tennessee Board in the same manner and within the same time frame as they are required to be submitted to the Kentucky Board. A motion was made by Ms. Schabacker and seconded by Mr. Hunter to grant a license to Ms. Baker with the aforementioned conditions. The motion carried.

Heather Gunter – Ms. Gunter came before the Board seeking licensure as a Registered Respiratory Therapist through reciprocity. Ms. Gunter was disciplined by the Mississippi Board for improperly charted procedures and recorded vital signs. In May 2005 Ms. Gunter was denied

licensure by the Tennessee Board of Respiratory Care based on disciplinary actions imposed by another state. The Board received a new application from Ms Gunter on February 22, 2006. In consideration of that application (the one at issue), the Board directed that she appear in person for an interview. Ms. Gunter failed or refused to do so. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Mr. Hunter to deny Ms. Gunter a license. The motion carried.

Eric Guthrie—Mr. Guthrie appeared before the Board seeking licensure as a Certified Respiratory Therapist through reciprocity. Mr. Guthrie had a DUI conviction. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Mr. Hunter to approve Mr. Guthrie pending a favorable evaluation from TNPAP. The motion carried.

Steven Lebaroff – Mr. Lebaroff came before the Board seeking licensure as a Certified Respiratory Therapist through reciprocity. Mr. Lebaroff could not provide the Board with an official copy of his transcripts because the school was no longer in business and records had been destroyed. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Dr. Mack to approve Mr. Lebaroff for licensure. The motion carried.

Benton Roberts – Mr. Roberts came before the Board seeking licensure as a Certified Respiratory Therapist through reciprocity. Mr. Roberts had been disciplined by his employer for violation of the HIPPA policy and insubordination. Upon review by the Board, a motion was made by Ms. Schabacker and seconded by Ms. Partee to approve Mr. Roberts for licensure. The motion carried.

Rules and Legislation

Jerry Kosten presented three Public Chapters to the Board for informational purposes. Public Chapter 558 for Health Related Boards authorizes Boards to award grants for the purpose of evaluating and guiding the development of the education, distribution, and availability of licensees to provide a basis for improving the delivery of quality health care.

Public Chapter 560 for Health Related Boards provides liability protection for health care providers who render services during a catastrophe or disaster that has been declared by the Governor to be an emergency.

Public Chapter 662 for Health Related Boards provides a method for licensees to keep home addresses as mailing or practice addresses in their right to know profiles.

Letters with return postcards will be sent to existing licensees and the practitioner profile will be revised.

A motion was made by Ms. Partee and seconded by Dr. Mack to authorize a rulemaking hearing to increase licensure fees. The motion carried

Investigations and Disciplinary Report

Lea Phelps presented the disciplinary and investigative report as of 07/31/06. There was an initial carryover of eight (8) RRT complaints from December 2005 with five (5) new complaints received. Making a total of thirteen (13). Nine (9) were closed and of that total five (5) complaints were referred to the Office of General Counsel, three (3) were closed with no action, and one (1) is pending court action leaving four (4) open cases at the time of this meeting.

There was an initial carryover of four (4) CRT complaints from December 2005 with five (5) new complaints received. Making a total of nine (9). Five (5) were closed of that total by referral to the Office of General Counsel leaving four (4) open cases at the time of this meeting.

Tennessee Professional Assistance Program Report

Mike Harkreader, Director of Tennessee Professional Assistance Program (TNPAP) presented the report. There were twelve (12) new referrals to Tennessee Professional Assistance Program (TNPAP) for the period of July 1, 2005 thru June 30, 2006. Of these referrals four (4) signed a monitoring agreement making a total of seven (7) being monitored at this time; also for this period of time there were four (4) released after evaluation.

Administrator's Report

Tomica Walker presented the Administrator's report. Active current licensee totals are 2039 Registered Respiratory Therapists, 2064 Certified Respiratory Therapists, and 33 Respiratory Care Assistants. There is a benchmark of application processing time set for all Health Related Boards of 14 days for renewals and 100 days for initial applications.

We are exceeding our benchmark of 14 days processing time with regard to renewals with the average time of 3 to 4 days for both RRT's and CRT's and 4 to 5 days for RCA's.

We are not meeting the benchmark of 100 days processing time for initial licensure with 110 days being the average time for RRT's, and 108 being the average time for CRT's.

This is due largely to the average applicant applying for a temp permit which is good for one (1) year from the date of issuance. This has extended the date of the issuance of permanent licensure.

For your information, ABG endorsement can now be accessed on the Internet verification system.

Board members were again reminded to obtain prior travel approval through the Administrative staff before making travel arrangements outside of the State of Tennessee in order to ensure reimbursement.

Ratifications

A motion was made by Ms. Partee and seconded by Ms. Schabacker to approve the following applicants for Registered Respiratory Therapists, Reinstated Registered Respiratory Therapists, Certified Respiratory Therapists, and Reinstated Certified Respiratory Therapists. The motion carried.

Licensed Certified Respiratory Therapist

Roy E. Adams
William Aaron Andrews
Floyd Gilliam Banks
Merissa Mae Barry
Roger Allen Baudry
Julie Lynette Bible
Hannah Jill Bird
Jennifer Chism Blackwell
Crystal Nicole Bolton
David Everett Brasfield
Latonya Spight Bryson
Lisa Renee Carter
Reegan Reiff Chinella
Jodie Holdway Cline
Kimberly Rochelle Covington
Ashley Amber-K Craft
Rebekah Strange Crowe
Kenya Williams Cummings
Deborah Brick Cypcar
Jessica Vinson Davidson
Jennifer Arendall Deberry
Tamala Lynn Duncan
Heather Jo Ellison
Jason M Farr
Eric Ryon Foster
Laura Monteen Frazier
Tabitha Leah Fultz
Christine Rene Gantt
Carla Daneen Gibson
Edward Duane Goodlow
Pamela Delois Greer
Kevin Glenn Griffin
Rafael Gudiel
Aaron Lee Harper
Amber Nicole Hensley
Tiffany Brogan Hickey
Jennifer Sturgill Hopkins
Tina Hennessee Hubbard
Gina Wiley Jackson
Rebecca Jean Johns
Clare Taylor Johnson
Lacey Gann Johnson

John Allen Justice
Stuart Lee Ketron
Linda Johnson Keyes
Dewayne Dewey Kibble
LaSonya Patrice Kirk
Marcus Edward Lambert
Lashonda McDonald Lesure
Alicia Nicole Lunsford
Alicia Kelly McDainel
Amy Smith Miller
Fredia Edwards Neely
Amanda Raye Newmon
Melissa Campbell Ponder
Kenya Powell Roberson
Jennifer McCulloch Robinson
Fakeisha Renee Rodgers
Erica Wallace Shepherd
Jonathan Andrew Smith
Marshall Dale Stables
Angela Lowe Strunk
Erika Wiggins Stuart
Marietta Thonsberry
Peggy Jeffries Treadway
Danica Pounds Tucker
Tamara Ashley Wade
Kimberly Ann White
Teresa Clark Williams
Stevie Wright
Andrea Jean Wroblewski
Sarit Zaltzman
Yacov Zaltzman

Reinstated Licensed Certified Respiratory Therapist

Matilda R Barnes
Roy G Lubag
Michelle J Lucas
Laura Virginia Russell
Florence M Watson

Licensed Registered Respiratory Therapist

Angela Suiter Baker
Lorianne Gilbride Bedock
Suzanne Demmert Belew

Brandon Keith Bodine
Kelli Wood Brewer
Candace Lynn Buckner
Mary Elizabeth Burnette
Jacqueline Copeland Butler
Tobi Leanne Crowley
Tiffany Paige Dodd
Amber Hunt Dotson
Kathryn J Fuller
Christine Rene Gantt
Laterrica Santrice Gilmore
Edward Duane Goodlow
Winston Anthony Granville
Kevin Glenn Griffin
Daphne Woods Harper
Andrea Overton Harrison
Sheryl Tolliver Hill
Joel M Hilliker
Philicia Ladale Hinton
Brenda Bare Johnson
Latonya Maggaleane Jones
Overtis Nmi Jones Jr
Beckie Bradford Lester
Walter Michael Martin
Paige Luffman McGee
Jenny Cavender McNail
Callie Hardesty Millett
Tracy Belew Morgan
Robert Kevin Ray
Ayana Morenike Robinson
Amanda Thurman Rosen
Christa Cates Sala
Lynda Fox Seaton
Christy Lee Smith
Jason Dewaine Smith
Uyen Nha Tran
Steven Mark Watson
Lori Liford Widner
Patricia Osborne Wild
Melanie Brogdon Young
Don Joseph Zimmerlee

Licensed Reinstated Registered Respiratory Therapist

Robin J Ainsworth
Marcia A Roberts Barrethixson

April Fern Mains
Larry D Mann
William S Mapes
Vaughnda Janeen Roberts Ripley
Jackie D Smith

There being no further business, the meeting was adjourned at 12:05 pm.

Candace Partee, Secretary